

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

TB FOOD USA, LLC, a  
Delaware Limited Liability  
Company,

Plaintiff,

v.

Case No: 2:17-cv-9-JES-NPM

AMERICAN MARICULTURE, INC.,  
a Florida Corporation,  
AMERICAN PENAEID, INC., a  
Florida Corporation, and  
ROBIN PEARL, an individual,

Defendants.

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AMERICAN MARICULTURE,  
INC., a Florida  
Corporation,

Third-Party Plaintiff,

v.

PB LEGACY, INC. a Texas  
Corporation,

Third-Party Defendant.

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**FINAL PRETRIAL CONFERENCE ORDER**

This matter comes before the Court on the parties' Joint Pre-Trial Statement (Doc. #405) filed on October 22, 2021. The Court held a final pretrial conference with counsel for all parties on

October 26, 2021. The following shall govern the course of this case:

1. The operative pleading in this case is the Amended Complaint For Injunctive and Other Relief (the Amended Complaint). (Doc. #20).

(a) As a result of prior Orders (Docs. #87, #306), the sole plaintiff in this Amended Complaint is TB Food USA, LLC, a Delaware Limited Liability Company.

(b) The only remaining defendants in the Amended Complaint are: American Mariculture, Inc. (AMI), a Florida Corporation; American Peneaid, Inc. (API), a Florida Corporation; and Robin Pearl, individually.

2. The other operative pleading in this case is American Mariculture, Inc.'s Counterclaim. (Doc. #80).

(a) The only plaintiff in the Counterclaim is American Mariculture, Inc. (AMI).

(b) As a result of prior Orders (Docs. #307, #285), the only remaining defendant is PB Legacy, Inc., a Texas corporation.

(c) While docketed as a counterclaim, the parties recognize that the pleading is actually now a third-party complaint. The parties may use either term interchangeably in this case.

3. The caption set forth above in this Final Pretrial Order shall be used in future filings.
4. As to the Amended Complaint (Doc. #80):
  - (a) The sole defendant in Count I is AMI.
  - (b) Counts II and IX were previously resolved by the grant of summary judgment in favor of defendants. (Doc. #35.)
  - (c) The only remaining defendants in Counts III, IV, V, VI, VII, and VIII are AMI, API, and Pearl. (Docs. #306; #357.)
5. As to the Affirmative Defenses (Doc. #81), Affirmative Defenses # 13-26 and # 95 through 107 have been withdrawn. (Doc. #407, p. 2.)
6. As to the Counterclaim/Third-Party Complaint (Doc. #80):
  - (a) The parties agree that Count III (the Third Claim for Relief) has been resolved (Doc. #285) and is no longer at issue as to any defendant.
  - (b) The only defendant as to Counts I (the First Claim for Relief), Count II (the Second Claim for Relief), and Count IV (the Fourth Claim for Relief) is PB Legacy, Inc.
7. In connection with the Joint Pre-Trial Statement (Doc. #405):
  - (a) Paragraph 48, page 18, is deleted.

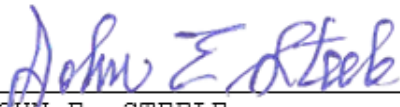
(b) As to the Trial Exhibit List (Doc. #405-2) by TB Food USA LLC and PB Legacy, Inc., all exhibits to which there has been no objection are admitted into evidence as of the date of this Order and may be used at trial without further formal admission.

(c) As to the Trial Exhibit List (Doc. #405-3) by Defendants, all exhibits to which there has been no objection are admitted into evidence as of the date of this Order and may be used at trial without further formal admission.

8. Trial remains as scheduled for **November 1, 2021 at 9:00 a.m.**

**SO ORDERED:**

**DONE and ORDERED** at Fort Myers, Florida, this 26th day of October, 2021.

  
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JOHN E. STEELE  
SENIOR UNITED STATES DISTRICT JUDGE

Copies:  
Counsel of Record